

## **REMARKS**

As of the 2 April 2008 *Office Action*, Claims 17-32 are pending in the *Application*. In the *Office Action*, the Examiner rejects Claims 17-32. Applicant thanks the Examiner with appreciation for the careful examination given to the *Application*.

Applicant submits this *Response* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this *Application* that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

After entry of this *Response*, Claims 17-32 are pending in the *Application*. Applicant respectfully submits that the pending claims are in condition for allowance over the references of record, and respectfully requests reconsideration of the claims in light of this submission. Applicant, accordingly, believes that the *Application* is allowable for the following reasons.

### **I. Rejections under 35 U.S.C. §102**

In the *Office Action*, Claims 17-32 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,152,568 to Mayer (“Mayer”), International Application WO 88/03107 to Wilkie (“Wilkie”), or Japanese Patent No. 61-211409 (“JP’409”) (collectively “cite references”). Applicant respectfully submits that the cited references fail to disclose each and every claimed feature.

Regarding Claim 1, the cited references fail to disclose “drag inducing elements” and “an upper surface member” as recited. The drag inducing elements are disclosed as being collapsible or compressible when not in use. The Examiner does not identify which features of the cited references are being interpreted to correspond to the drag inducing elements. The cited references disclose systems comprising docks or piers floating atop buoyant devices, such as pontoons. Only the buoyant devices could possibly be interpreted as drag inducing elements as recited in Claim 1 because these are the only parts of the structures intended to be immersed in water. Yet, none of the cited references disclose the buoyant devices as being collapsible or compressible when not in use. Thus, the cited references cannot anticipate Claim 1.

Claim 1 further recites that the drag inducing elements are disposed adjacent the lower surface of a buoyant or semi-buoyant upper surface member. The drag inducing elements are recited as structurally distinct from the buoyant member. Consequently, the buoyant devices of the cited references cannot be interpreted as corresponding to both the drag inducing elements and the buoyant surface member as these are structurally separate components of the apparatus. Therefore, the cited references cannot be alleged to disclose both drag inducing elements and a buoyant surface member as recited in Claim 1.

Regarding Claim 29, the cited references fail to disclose the recited features for substantially the same reasons as discussed above with regard to Claim 1. Further, Claim 29 recites the apparatus comprising “a plurality of flexible fluid retaining structure supplying inflating fluid to the drag inducing elements”. With all due respect, Applicant is left to guess at what the Examiner considers anticipatory art, as the Examiner fails to state that the cited references disclose flexible fluid retaining structures. Indeed, such flexible fluid retaining structures are entirely absent from the cited references. The devices of the cited references do not include any fluid inflatable elements, therefore, such flexible fluid retaining structures would serve no purpose. Therefore, the cited references cannot disclose each and every recited feature of Claim 29.

Regarding Claim 20, the cited references fail to disclose the recited features for substantially the same reasons as discussed above with regard to Claim 29. Further, the cited references fail to disclose a network grid of pipes or tubes as recited in Claim 21. Additionally, the cited references do not disclose fluid being maintained in the flexible structures under pressure as recited in Claim 22. Regarding, Claim 23 the cited references do not disclose a pump for supplying fluid to the flexible fluid retaining structures. The Examiner has failed to state that the cited references disclose the features recited in claims 20-23.

Regarding Claim 27, the cited references fail to disclose drag inducing elements that are inflatable with an inflating fluid. The Examiner fails to assert that the buoyant devices of the cited references, purported to be drag inducing elements, are inflatable using an inflating fluid. Indeed, the buoyant devices of the cited prior art are not disclosed as being inflatable. Inflating the buoyant devices with fluid would cause them to substantially lose their buoyant properties and no longer be able support a pier or deck as intended. Therefore, the cited references fail to disclose each and every feature of Claim 27.

Regarding Claim 31, the cited references fail to disclose any of the claimed features. Claim 31 recites a system for deploying and recovering an apparatus for creating a reduction in wave height. The Examiner fails to state that the cited references disclose a system for deploying or recovering such a device. Indeed, the cited references only disclose a floating device itself. The system of Claim 31 comprises an apparatus as claimed in Claim 17. The cited references do not disclose such an apparatus as discussed above. The system of Claim 31 further comprises a deployment vessel, a storage device for storing the apparatus, and a means for paying out and recovering the apparatus. Again, the Examiner fails to state that the cited references disclose these elements. As previously mentioned, the cited references only disclose a floating device, and not any other elements of the system related to deployment, recovery, and storage. The cited references do not disclose each and every feature of Claim 32, and the Examiner does not indicate that the references disclose the claimed features.

For at least these reasons, Mayer, Wilkie, and JP'409, fail to disclose, teach or suggest each and every feature of Claims 17, 29, and 31. Thus, Applicant respectfully submits that Claims 17, 29, and 31 are patentable over the cited references, and are in condition for allowance. Claims 18-28, 30, and 32 are also believed to be in condition for allowance at least due to their ultimate dependence upon Claims 17, 29, and 31, and further features defined therein as discussed above.

## **II. Fees**

This *Response* is filed within 2 months of the *Final Office Action*, and thus no extension of time fees are believed due. This *Response* does not change the number of claims, and thus no claim fees are believed due. The Commissioner is expressly authorized, however, to charge any fees that may be required to Deposit Account No. 20-1507.

**Conclusion**

By the present *Response*, this Application has been placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3487.

**Certificate of Transmission:**

I certify that this correspondence is being submitted by e-filing to the U.S. Patent and Trademark Office in accordance with §1.8 on 30 May 2008, via the EFS-Web electronic filing system.

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30 May 2008

Respectfully submitted,

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**DATE: 30 May 2008**